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UNCLAS SECTION 01 OF 02 MANILA 004984

SIPDIS

SENSITIVE

DEPT FOR EAP/MTS, G/TIP, EAP/MLS, EAP/RSP, INL, DRL/IL,
DRL/CRA
DEPARTMENT PLEASE PASS USAID FOR ANE/TS - L. SAULS
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E.O. 12958: N/A

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SUBJECT: TIP: USG-FUNDED TRAINING AIMS TO ASSIST HUMAN
TRAFFICKING-RELATED PROSECUTIONS

REF: A. MANILA 4831

[1](#)B. MANILA 3500

[1](#)C. MANILA 3011

[1](#)D. MANILA 2200

[1](#)1. (U) This message is Sensitive But Unclassified --
Please handle accordingly.

[1](#)2. (SBU) Summary: GRP prosecutors and NGO lawyers continue to make limited headway in prosecuting traffickers under anti-trafficking laws. The slow pace of progress is due in part to inadequate training of local law enforcement personnel, and ineffective coordination between police and prosecutors. A USG-funded project aims to improve training of law enforcement personnel on TIP cases, while a broader USG/GRP initiative seeks to address key flaws in the Philippine justice system that hamper TIP-related prosecutions. Mission continues to highlight the need for all levels of the GRP to assert strong leadership in combating TIP. End Summary.

Slow Progress on TIP Cases

[1](#)3. (U) The GRP's Department of Justice (DoJ) and the Philippine office of the NGO International Justice Mission (IJM) are making slow progress in pursuing trafficking-related cases under the terms of the 2003 Anti-Trafficking Law (R.A. 9208) and other statutes. (Note: In a local innovation, NGO lawyers may file TIP cases on behalf of victims, augmenting the limited number of government prosecutors. End Note.) IJM recently reported that it is working on 11 cases under R.A. 9208, up from the nine cases that it was pursuing when Mission last reported on this matter on August 1 (Ref B). In addition, the DoJ's Task Force on Anti-Trafficking in Persons, a government team of 14 state prosecutors, has filed seven cases under R.A. 9208 and is currently investigating another 10 cases. Thus far, there have been no convictions under R.A. 9208.

[1](#)4. (SBU) Despite the passage of R.A. 9208, the comprehensive anti-TIP law in 2003, prosecutors have been slow to file cases against suspected traffickers. Many have chosen instead to pursue cases under statutes they are more familiar with such as the anti-illegal recruitment law. In addition, police often lack the skills to build solid cases under R.A. 9208, resulting in many cases being dismissed (ref A). Systemic weaknesses in the judicial system and the slow pace of cases compound the problem of obtaining convictions in a timely fashion.

Mission to Train Police on TIP

[1](#)5. (U) In order to help ameliorate these problems, Mission is planning a major training project to raise understanding of the anti-TIP law, with the goal of increasing the number of prosecutions and convictions of traffickers. On November 7-8, the USAID-funded Rule Of Law Effectiveness (ROLE) project will conduct two days of seminars for members of the police Women and Children's Concerns Division (WCCD) at the Philippine National Police (PNP) headquarters in Manila. High-level DoJ and PNP officials are scheduled to kick off the training, which is geared toward officers most likely to have day-to-day contact with trafficking victims. Training seminars will cover:

-- Implementing rules and regulations of R.A. 9208
-- Guidelines for law enforcers in TIP cases
-- Rights of trafficking victims and advice on dealing with them
-- Elements and evidence in prosecuting TIP cases
-- Proper preparation of sworn testimony in TIP cases

[1](#)6. (U) The training builds on work conducted over the past

years by several USG-funded projects implemented by NGOs, including the Visayan Forum Foundation, End Child Prostitution and Trafficking (ECPAT), and the American Center for International Labor Solidarity (ACILS). These groups have trained hundreds of police, prosecutors, local officials, and workers who provide assistance to victims. The goal of this training is to enable these "front line" responders to identify instances of human trafficking and to prosecute traffickers more effectively (Ref D).

Building Closer Police-Prosecutor Coordination

17. (SBU) Mission is also working on a longer-term strategy meant to address one of the major weaknesses in prosecuting TIP cases -- ineffective coordination between prosecutors and judges. A high percentage of TIP cases that are filed are eventually dismissed, often due to insufficient evidence due, in part, to the lack of coordination between police and prosecutors (a factor common in other kinds of criminal cases in the Philippines as well). Mission is currently working to build support among officials at the highest levels in the PNP, DoJ, and Malacanang Palace to encourage greater coordination between police and prosecutors in criminal cases. In early October, Justice Secretary Raul Gonzalez and Chief State Prosecutor Jovencito Zunio agreed to begin implementing a policy in the DoJ's TIP prosecution unit that would require police and prosecutors to coordinate closely during the investigative and trial period. If this project proves successful, the DoJ plans to expand the policy throughout the Department to include areas outside of TIP. Mission is also planning a series of seminars in 2006 to be led by officials from the U.S. Department of Justice. These officials would share best practices with Philippine police and prosecutors on how to work together to build more effective cases.

Comment

18. (SBU) The ineffective prosecution of TIP cases by the GRP and a lack of convictions under the 2003 anti-trafficking law have been flagged as key reasons for the Philippines' continued Tier Two Watch List rating in 2005. Improving the GRP's performance will require sustained efforts both to upgrade training of law enforcement personnel on TIP cases and to address some of the more serious flaws in the Philippine justice system such as the chronically ineffective coordination between police and prosecutors. In the meantime, Mission continues to highlight the need for all levels of the GRP to assert strong leadership in combating TIP.

BELLARD